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CIA ACTS & STATUTES

DD/S 70-5015

29 DEC 1970

MEMORANDUM FOR: Director of Personnel
Special Support Assistant to the DD/S

SUBJECT : Travel Benefits for Civil Service Retirement System
Participants

1. I have not forwarded to the Executive Director the revised proposal as set forth in the 23 December 1970 memorandum in view of the comments by the Director of Personnel in his 23 December 1970 memorandum. In submitting any recommendation on this subject to the Executive Director there need be an agreement of position by both the DD/S and the D/Pers. This means that there must be agreement in principle as to the recommendation involved, an understanding of the procedural effects upon the Office of Personnel which must administer the benefits and the need to supply the Executive Director with completed staff work. The Office of General Counsel in its 23 June 1970 memorandum states that it has no legal objection to an extension of benefits if it is deemed necessary for the proper administration of all employees of the Agency. We would not need to belabor the legal position but should address ourselves to the necessity for the proper administration of all employees of the Agency. I think we are all in agreement on the principle of extension of benefits where justified. Our problem devolves from the determination of those Civil Service employees who are deserving of an extension of travel benefits and how these might be differentiated from other Civil Service System retirement employees. I feel that we must settle first on the rationale to be certain that we are all in agreement in principle. When that is achieved procedural determinations can then be developed which, if approved, can then be administered within the Agency with a minimum of dissatisfaction.

2. I therefore ask that the addressees, with the Office of General Counsel, develop a rationale for the extension of such benefits. We should proceed from the basic premise as stated by our knowledge and documentation that Agency employees regardless of their retirement system are by Agency policy required to retire at age 60 and their entire official life is governed

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by a series of restrictions and controls over their official and private life which are unique to the vast majority of other employees of the Federal Government. These restrictions and controls affect the working environment of the employee, the personal life of the employee and his family and his normalcy as a private citizen and are deserving of appropriate recognition. The extension of statutory benefits after retirement are one form of recognition. We must keep in mind that there are other forms of statutory benefits either now existent or may be legislated in the future which are deserving of application to Agency employees. The rationale should be so developed as to recognize the current benefits under question and similar other benefits which may be legislated in the future. It may be that these benefits are deserving to only some of the Civil Service System employees at this time but should recognize that our thinking and conditions of employment may warrant extension in the near future to all Civil Service System employees. I think we are all in agreement that legislation in the last several years has moved the benefits under the Civil Service System to that closely approximating the CIARDS System. If this trend continues it could well be that the two systems in the future will be relatively indistinguishable except through their divided legislative authority. At such point the Agency could well consider converting all employees to the Civil Service System including those presently under CIARDS or in recognition of the restrictions and controls on Agency employees converting all Agency employees to the CIARDS System. The acquisition of benefits by legislative action would presume that legislative authority would permit the inclusion of all Agency employees under the CIARDS System.

3. You will recall that since the approval by the Executive Director on 21 May 1968 of the extension of benefits to the CIARDS System that the Executive Director requested consideration of its applicability to the other employees of the Agency under the Civil Service System to assure that equal benefits are accorded Agency employees. Since that time there have been a series of studies and meetings on this subject with a rather extensive review by the Travel Policy Committee. In each of these studies and considerations there has been a rather strong voice over the difficulties

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of the administration of a system and the anticipated workload that would result to the Agency, particularly the Office of Personnel. I feel that these difficulties have been overstated and certainly we should never deny employees proper benefits over an assumed difficulty of administering the benefits. It is our clear responsibility to manage the system so that these problems do not obtain. I think the statistics of experience will show rather clearly that the number of individuals who after retirement elect to avail themselves of these benefits are quite small and this should not in any sense be considered a problem. Obviously if the rationale is sound the procedural application should not be difficult and a differentiation at this time of those employees considered to be deserving of the benefits. I ask that the addressees immediately seek to work out both a rationale and the procedures which can be submitted to the Executive Director for his consideration.

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R. L. Bannerman
Deputy Director
for Support

cc: OGC

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21 December 1970

MEMORANDUM FOR: Deputy Director for Support

Bob:

I know you want some action taken on this quickly, and I should like to oblige, but I am still hung up on the fact that I have to certify that this action is "necessary for the proper administration of all employees of the Agency." I am not at all sure that the new formula is an equitable answer to the problem. I can imagine that quite a number of people, like TSD'ers, Security or Commo Techs, etc., might qualify under this formula without really being mobile in the sense of uprooting and moving their families from one place to another. Their home has been Washington, and the allowance to move to Florida or California would be somewhat of a windfall.

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In short, I am fearful that the proposed formula would not really provide equity and might make more people unhappy than it would please. I suggest that you, Houston, and I, along with anyone you want to bring, get together after the Morning Meeting tomorrow to discuss this briefly.


L. K. White

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Attachment :

Memo to ExDir from DD/S dtd 18 Dec 70, Subj:
Administrative Adoption of Statutory Benefits

cc: General Counsel

Discussed at a meeting with Executive Director 22 December 1970.

LRH

18 December 1970

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Administrative Adoption of Statutory Benefits

**REFERENCE : Memo dtd 23 Jun 70 to DDS fr General Counsel,
same subj**

1. Paragraph 4 of this memorandum contains a recommendation for your approval.

2. In referent memorandum the General Counsel has stated there would be no legal objection to the Agency extending to retirees under the Civil Service Retirement System (CSRS) the same retiree and death travel benefits as are now provided for retirees under the Central Intelligence Agency Retirement and Disability System (CIARDS). The General Counsel makes the point that there is an apparent inequity in not granting retirees under the CSRS who are stationed PCS in the United States the travel benefits earlier approved for those under the CIARDS.

3. From a discussion of this matter in a Deputies meeting on 15 July 1970, it was the consensus that the Agency should extend to some participants in the CSRS the same retiree and death travel benefits as are now provided participants in the CIARDS. Rather than extend the benefits to all participants in the CSRS, the view was expressed that there should have been some demonstration of mobility during Agency service, either by PCS or TDY away from the Headquarters area.

4. In line with the above, and pursuant to the authority delegated to you by the Director of Central Intelligence on 5 October 1967, it is recommended that you determine it to be necessary for the proper administration of all employees of the Agency to extend the same retiree and

death travel benefits as are now provided for participants in the CIA Retirement and Disability System to those participants in the Civil Service Retirement System who have served a minimum of 365 days outside the Continental United States, either on a permanent change of station or temporary duty basis, such benefits to apply to those who retire on or after 31 December 1970.

WILLIAM R. L. BANNERMAN

R. L. Bannerman
Deputy Director
for Support

The recommendation contained
in paragraph 4 is approved.

Executive Director-Comptroller

Date

Distribution:

Orig - Addressee (for return to DDS)

1 - Ex. Dir. - Compt.

1 - ER

X - General Counsel

1 - Director of Personnel

1 - Director of Finance

1 - DDS

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20 July 1970

MEMORANDUM FOR: Deputy Director for Support

Bob:

1. In accordance with our conversation, I attempted to locate a copy of the draft death and retiree travel benefit paper which you saw earlier. Unfortunately, it has been destroyed. However, the key points that were included in that paper, as you saw it, dealing with the distinction between our employees and Civil Service employees were as follows:

a. Our Early Retirement Policy. You are well aware that a goodly number of people when age 60 comes around request extensions using the argument that this is not in accord with the Civil Service Retirement law and that it was not our policy when they were hired, thus we have changed the rules and are granting them less than Civil Service Retirement benefits.

b. The Director's Termination Authority under 102(c). Here again it can be argued that our employees are denied the rights accorded normal Civil Service in connection with RIFs and other terminations, such appeal rights being granted them under Veterans' Preference as well as the Lloyd-LaFollette Act both of which permit them to have their appeals heard outside of their agency.

c. The Requirement that Our People Be Willing to Serve Anywhere in the World. Granted this is not 100 per cent true, it is a requirement placed on the vast majority, if not most, of our people.


d. The restrictions which the Agency has determined are necessary which we do place on our people in various fields such as: (1) clearance of speeches and writings; (2) reports of contacts with newspaper people; (3) restrictions

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on marriage to aliens; (4) reporting of association with certain foreign personnel; (5) restrictions on outside activities. A specialist in taxes at IRS can be a university professor or give lectures on that subject. Certainly we would not permit our tax expert to lecture on taxes in an open forum. There are many similar restrictions which are not applicable in other Government agencies.

2. I have not attempted to spell all of the above out in detail since you are well aware of the import of these various points. The sum total would certainly seem to support the argument that our people serve their careers under different conditions than normal Civil Service. In fact, the conditions are all on the negative side insofar as the employee is concerned. He gets less, not more, leaving aside of course the intangibles of job satisfaction, etc. 25X1A


JOHN S. WARNER
Deputy General Counsel

OGC:JSW:mks

O - DDS (by hand by JSW)

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